

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

<b>DEBORAH JENNINGS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. _____</b>
	)	
<b>AMCO INSURANCE COMPANY,</b>	)	<b>Removed from Cape Girardeau County</b>
	)	<b>Case No. 14CG-CC00102</b>
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

COMES NOW defendant AMCO Insurance Company by and through its counsel of record, and pursuant to 28 U.S.C. §§ 1441 and 1446, and 28 U.S.C. § 1332 hereby removes this action from the Circuit Court of Cape Girardeau County, Missouri, based on the following grounds:

1. This defendant has been named in a civil action brought in the Circuit Court of the County of Cape Girardeau, Missouri, assigned Case Number **14CG-CC00102**. A copy of the Petition was served on this defendant's registered agent CSC-Lawyers Incorporating Service, on May 23, 2014, and is attached as Exhibit 1. The claims against defendant are for (1) Declaratory Judgment (2) Breach of Contract; and (3) Vexatious Refusal to Pay.

2. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), in that it was filed within 30 days of service on this defendant's registered agent.

3. Removal is proper under 28 U.S.C. §§ 1332, 1441 and 1446 because there is complete diversity of citizenship and the matter in controversy exceeds the sum or value of \$75,000.00 exclusive of interest and costs, as follows:

a. The plaintiff is a resident of Missouri. This defendant is an Iowa corporation with its principal place of business in Des Moines, Iowa.

b. The matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interests and costs. Specifically, Plaintiff is seeking medical payments and liability coverage under an AMCO policy of insurance. Plaintiff's Petition alleges the specific policy at issue contains medical payments coverage in an amount of \$5,000.00 and bodily injury liability with a limit of \$100,000.00 per person. Plaintiff, however, claims that because there were two vehicles listed on the policy separate limits apply to each vehicle and further that the medical payments and bodily injury coverages on each vehicle stack for a total of \$210,000.00. Plaintiff claims her damages exceed the alleged stacked limit of \$210,000.00. In addition to the contract damages, Plaintiff claims damages under the Missouri vexatious refusal statute for penalties and attorney fees. These total claimed damages create an amount in controversy that exceeds \$75,000.00.

4. Defendant will file its Answer or otherwise respond to the Petition within seven days after filing this Notice of Removal, pursuant to F.R.C.P. 81(c).

5. The Notice of Filing Removal to Federal Court (without exhibits) which is being filed with the Circuit Court of the County of Cape Girardeau, Missouri is attached hereto as Exhibit 2.

6. Proof of the Notice of Filing Removal to Federal Court sent to Plaintiff's counsel is attached hereto as Exhibit 3.

Respectfully submitted,

**FRANKE SCHULTZ & MULLEN, P.C.**



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**ATTORNEYS FOR DEFENDANT**

**Certificate of Service**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic filing, this 23<sup>rd</sup> day of June, 2014, to:

John P. Heisserer, #29379  
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ATTORNEY FOR PLAINTIFF



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**Attorney for Defendant**